

**Hoff, David**

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**From:** Stone, Randall (ENRD) <Randall.Stone@usdoj.gov>  
**Sent:** Tuesday, April 23, 2013 8:32 AM  
**To:** Philip M Abelson (pabelson@proskauer.com)  
**Cc:** Furrie, Kristin (ENRD); Hirsch, Cynthia R.; Dixon, Douglas; Fedinatz, Kimberly; Murawski, Richard; Cragan, Clare; 'john.carlucci@sol.doi.gov'; JBITTORF@oneidanation.org; bromleyfm@doj.state.wi.us; Spector, Jeffrey (ENRD)  
**Subject:** Draft settlement agreement with NewPage Wisconsin for the Lower Fox River and Green Bay Superfund Site  
**Attachments:** ENV\_ENFORCEMENT-#2355633-v1-Fox\_-\_Draft\_NewPage\_CD.DOC

Phil –  
(cc's as indicated)

Attached is a draft settlement document that would resolve the Fox River Site CERCLA claims against NewPage Wisconsin on the terms previously outlined. The agreement is structured as a Consent Decree that would be subject to approval by the District Judge presiding over the pending Wisconsin action and also conditioned on Bankruptcy Court approval under Rule 9019 (see Paragraph 28). That approach should leave no question that that NewPage will receive statutory contribution protection against CERCLA claims by other parties through its entry into a judicially-approved settlement with the United States and the State under 42 USC 9613(f)(2). The vast majority of the terms are our standard provisions for CERCLA bankruptcy settlements and we have done our best to ensure that they are consistent with NewPage's Reorganization Plan.

Please call me at the number listed below if you have any questions about the document.

After signature by NewPage, the proposed Consent Decree would still be subject to approval by higher level government officials. It also would be subject to public comment under CERCLA as well as approval by the Bankruptcy Court and the District Court.

- Randy

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